

ELLIS:LAWHORNE

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November 23, 2004

VIA ELECTRONIC MAIL AND FIRST-CLASS MAIL SERVICE

South Carolina Public Service Commission

ATTN: Docketing Department

Post Office Drawer 11649

Columbia, South Carolina 29211

RE: Petition to Establish Generic Docket to Consider Amendments
To Interconnection Agreements Resulting from Changes of Law
Docket No. 2004-316-C, Our File No. 803-10271

To Whom It May Concern:

Enclosed is the original and ten (10) copies of the **Petition to Intervene** filed by KMC Telecom, V, Inc. ("KMC V") and KMC Telecom III LLC ("KMC III") (collectively "Petitioners") in the above-referenced docket.

Please acknowledge your receipt of this document by file-stamping the copy of this letter enclosed, and returning it in the enclosed envelope. By copy of this letter, I am serving all parties of record and enclose my certificate of service to that effect.

If you have any questions or need additional information, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,



John J. Pringle, Jr.

cc: John J. Heitmann Esquire
Heather T. Hendrickson, Esquire
all parties of record

Enclosures

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**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-316-C**

IN RE:

Petition to Establish Generic Docket to)
Consider Amendments to Interconnection)
Agreements Resulting from Changes of Law)
_____)

PETITION TO INTERVENE

KMC Telecom, V, Inc. ("KMC V") and KMC Telecom III LLC ("KMC III") (collectively "Petitioners"), by their undersigned attorney, hereby Petition the South Carolina Public Service Commission (the "Commission"), pursuant to Rule 103-836 of the Commission's Rules, for an order allowing Petitioners to intervene in the above-captioned Docket, with full rights to participate as parties of record. In support of their Petition, Petitioners would show the Commission the following:

1. KMC V is a Delaware corporation, and KMC III is a Delaware limited liability company, both headquartered at 1545 Route 206, Bedminster, NJ 07921-2567, and maintaining their principal place of business at 1755 North Brown Road, Lawrenceville, Georgia, 30043. KMC V and KMC III are nationwide facilities-based providers of next-generation telecommunications infrastructure and services, providing fiber-based, integrated data, voice, and Internet communications services. They offer these services to business, government and institutional end-users, Internet service providers, long distance carriers and wireless service providers. They are, collectively, certified to provide telecommunications services in 49 states, the District of Columbia, and Puerto Rico. KMC V and KMC III are authorized to provide competitive local exchange and

interexchange services in South Carolina.

2. BellSouth filed its Petition to Establish Generic Docket with this Commission on November 3, 2004, requesting that the Commission convene a docketed generic proceeding and hold an evidentiary hearing (as necessary) to determine what changes recent decisions from the Federal Communication Commission ("FCC") and the United States Court of Appeals for the District of Columbia Circuit ("DC Circuit") require in existing approved interconnection agreements between BellSouth and competitive local exchange carriers ("CLECs") in South Carolina.

3. Petitioners have a vital interest in this Docket, as they operate pursuant to an interconnection agreement with BellSouth, and will thus be affected by any decision the Commission makes in this proceeding.

4. Petitioners seek to assist the Commission in its designation of the issues to be determined in this proceeding, and advocate their position with respect to those issues.

5. The full name and address of the authorized representative of Petitioners are:

John J. Pringle, Jr.
Ellis, Lawhorne & Sims, P.A.
P.O. Box 2285
Columbia SC 29202
(803) 779-0066 (telephone)
(803) 799-8479 (facsimile)

John J. Heitmann, Esquire and
Heather T. Hendrickson
Kelley Drye & Warren LLP
1200 Nineteenth Street, N.W.
Suite 500
Washington, D.C. 20036
(202) 955-9600 (telephone)
(202) 955-9792 (facsimile)

6. Petitioners assert that the granting of this Petition to Intervene will not in any way

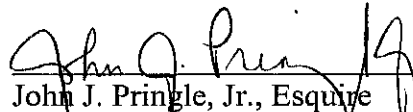
delay the proceedings in this Docket.

WHEREFORE, Petitioners pray for the Commission to

- a) Grant this Petition to Intervene and make Petitioners a party of record in Docket Number 2004-316-C, allowing Petitioners to participate fully and take such positions as it deems advisable; and
- b) Grant such other relief as the Commission deems just and proper.

Respectfully submitted,

ELLIS, LAWHORNE & SIMS, P.A.


John J. Pringle, Jr., Esquire
1501 Main Street, Fifth Floor
P.O. Box 2285
Columbia, South Carolina 29202

Attorney for KMC V Telecom, Inc. and KMC
III, LLC

November 23, 2004
Columbia, South Carolina

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DOCKET NO. 2004-316-C**

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CERTIFICATE OF SERVICE

This is to certify that I have caused to be served this day, one (1) copy of the **Petition to Intervene** by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

Patrick Turner, Esquire
BellSouth Telecommunications, Inc.
PO Box 752
Columbia SC 29202-0752

E. Earl Edenfield, Jr.
BellSouth Telecommunications, Inc.
Legal Department – Suite 4300
675 W. Peachtree Street, NE
Atlanta GA 30375



Carol Roof

November 23, 2004
Columbia, South Carolina